like. Yesterday the presidents of General Motors and Chrysler spent 4 hours in front of congressional committees talking about dealerships.

I assume they drove themselves here from Detroit in their congressionally approved method of transportation, probably their newest hybrid cars.

They did not have much time yesterday to design, build, or sell cars and trucks for their troubled companies. Unless we get the stock out of the hands of Washington, this scene will be repeated over and over again.

There are at least 60 congressional committees and subcommittees authorized to hold hearings on auto companies, and most of them will hold hearings, probably many times.

Car company executives who need to be managing complex enterprises will be reduced to the status of an assistant secretary in a minor department hauling briefings books from subcommittee to subcommittee.

You can imagine what the questions will be and the president of each company will probably be asked these questions: What will the next model look like? What plant should be closed and which one opened? How many cars should have flex fuel? What will the work rules be? What will the salaries be? Where will the conferences be held, and in which cities should they not be held?

Congressmen will want to know why the Chevy Volt is using a battery from a South Korean company when it can be made in one of their congressional districts. There will be a lengthy hearing about the number of holidays allowed, and thousands of written questions demanding written answers under oath.

And it is not just the Congress we have to worry about. The President of the United States has already called the mayor of Detroit to reassure him that the headquarters of General Motors should stay in Detroit, instead of moving to Warren, MI. And the mayor of Detroit has announced his satisfaction with talking with members of the President's auto task force to make sure that the executives of the car companies do not get any ideas about moving their own headquarters.

Then there is the Treasury Secretary—and his Under Secretaries—who will want to keep up with what is happening to the taxpayers' $50 billion investment in the New General Motors.

There is a very active economic czar in the White House. He will have some questions and opinions as well about how to run the car companies, not to mention the Environmental Protection Agency officials who might be busy deciding what size cars they ought to build.

And, of course, it was not very long ago that this administration let General Motors know that it was making too many SUVs and that its Chevy Volt was going to be too expensive to work. That was the opinion here in Washington. And the President of the United States himself fired the president of General Motors.

Giving the stock to the taxpayer who paid for it will get the government out of the companies' hair and give the companies a chance to succeed. It will create an investor fan base of 120 million-plus American taxpayers who may be a little more interested now in what the next Chevrolet will be. Think of the fan base of the Green Bay Packers, whose ownership is distributed among the people of Green Bay.

This is the fastest way back to the wise principle: If you can find it in the Yellow Pages, the government probably shouldn't be doing it. More than the money, it is the principle of the thing.

The other day, a visiting European automobile executive said to me with a laugh that he had come to the ''new American automotive capital: Washington, DC.''

To get our economy moving again, let's get our auto companies out of the hands of Washington and back into the marketplace. Let's put the stock in the hands of 120 million taxpayers, the sooner the better.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I gather we are still in morning business.

The PRESIDING OFFICER. The Senator is correct.

## FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DODD. Madam President, I wish to take a few minutes to speak about the importance of what we are doing to address the issues raised by my friend and colleague from North Carolina, Senator BURR, who has raised some important issues. We are debating, of course, very historic public health legislation. The bill before this body will, for the first time, give the Food and Drug Administration authority to regulate the tobacco industry and to put in place tough protections for families that for too long have been absent, when it comes to how cigarettes are marketed to children.

As I have said, particularly over the last couple days, I don't think we can afford to wait any longer on this issue. As I think all colleagues are aware, every single day we delay action on this legislation, another 3,500 to 4,000 children across the Nation are ensnared by tobacco companies that target them with impunity as they try smoking for the very first time in their lives, 3,500 to 4,000 every single day. Smoking kills more Americans every year than alcohol abuse, AIDS, car accidents, illegal drug use, murders, and suicides combined. As tragic as all deaths are, particularly ones caused by the circumstances I have raised, if we took all of them together, they do not total the 400,000 people who lose their lives every year as a result of tobacco-related illnesses. Absent action by this Congress, more than 6 million children who are alive today will die from smoking, including the 76,000 or so in my home State of Connecticut.

The Congressional Budget Office has estimated that the bill before us would reduce adult smoking by 900,000 Americans. That is not an insignificant number. It represents about 2 percent. The CBO estimates that over the next 10 years, 2 million children will not take up smoking, if we are able to pass this legislation and have an effect on the marketing of these products to kids. That is 11 percent of children across the country. That is 700,000 people we would be able to have an influence on, convincing them not to take that first cigarette, to begin the habit of smoking.

Unfortunately, flaws in the Burr substitute will not achieve those goals. It would result in much less regulation of tobacco products, allow the tobacco industry to play many more games and hide more of the harm their products cause and leave children and others more vulnerable to the scourge of tobacco. Instead of using the FDA, a proven agency of 100 years, with experience in regulatory, scientific, and health care responsibilities, to carry out the purpose of this bipartisan bill, the Burr substitute creates a flawed agency, with inadequate resources, and limits the authority of that agency to take meaningful action to curtail the harm caused by tobacco products and their marketing.

The Institute of Medicine, which is highly respected by all of us, and the President's cancer panel have both endorsed giving the FDA this critical authority. The Food and Drug Administration has 100 years of experience in regulating almost every product we consume in order to protect public health. A new agency is not the answer. Obviously, one more bureaucracy is hardly the direction we ought to be going. Our bipartisan bill provides adequate funding to effectively regulate tobacco products through a user fee paid by the tobacco industry.

The Burr substitute does not provide adequate resources to get the job done either. In the first 3 years, the Burr substitute provides just a quarter of the funding provided in the Kennedy proposal, which has been with us for the last 7 or 8 years and has been endorsed by 1,000 organizations, faith-based organization, State-based organizations, and virtually every major public health advocacy group in the United States.

Our bipartisan bill gives the FDA strong authority to regulate the content of both existing and new tobacco products, including both cigarettes and smokeless tobacco products. The Burr

substitute gives the new agency no authority whatsoever over the content of smokeless tobacco products, no matter how much nicotine and no matter how many cancer-causing agents are in those products. The National Cancer Institute, the American Cancer Society, the U.S. Surgeon General, and the Public Health Service have all concluded that smokeless tobacco products, as sold in the United States, are a cause of serious disease, including cancer.

This is not a partisan analysis. When the Surgeon General, the National Cancer Institute, the American Cancer Society, as well as the Public Health Service, says these products cause cancer and can kill, that is not an ideological conclusion. That is the scientific opinion of the very agencies and organizations we rely on for this information. They are saying, if one uses those products, they could get cancer and could die. Suggesting we ought to have an agency with no power to regulate those products takes us in exactly the wrong direction, given the growing use of smokeless tobacco products. They should be subject to regulation like other tobacco products. This amendment would allow smokeless tobacco manufacturers to make their products as harmful as they may want with no regard for public health.

The Food and Drug Administration regulates the food our pets consume. Products consumed by dogs and cats are regulated by the FDA. The idea that we would have an agency with the power to regulate not only the food we consume and the cosmetics and all variety of pharmaceuticals and so forth that we ingest, excluding tobacco, that we would also give them the power to regulate products our pets consume, but we wouldn't allow them to regulate smokeless tobacco or cigarettes runs counter to common sense in this day and age. This is the 21st century, and 400,000 people die every year from self-inflicted injury as a result of the use of these products. As well, 3,500 children begin smoking every single day. To say we can't use this Agency, which has the power and ability to regulate, do research, as well as engage in public health, flies in the face of logic. The idea that our pets at home have better protection than our children when it comes to tobacco products makes no sense to anyone I know.

The Burr substitute gives the Agency far less authority to remove harmful constituents in cigarettes than our bipartisan bill does, and it will make it far more difficult for the Agency to act.

I mentioned before I was a smoker. I am grateful that most of my colleagues were not. But having been one, I can tell them, it is hard to quit. People struggle every day to quit, and it is hard. I don't have any polling data, but I would bet that if we asked every parent who smokes—my parents did, my father smoked cigars and pipes; my mother smoked Chesterfields for about 20 years before she died of cardiovascular issues that may have been related to smoking—whether they would like their children to begin smoking or using smokeless tobacco products, I will guarantee that number is off the charts. They don't want their children to start this.

The Presiding Officer comes from a State of 12,000 small tobacco farmers in North Carolina. I haven't said this before, and I should have—and I apologize for not saying it—this is not the fault of the tobacco farmer. They are in business. They grow a crop. I don't know enough about the science of this, but I suspect the leaf itself is not the issue. It is the 15 carcinogens that are included. When we light up a cigarette, it isn't just the tobacco leaf that comes from North Carolina that is rolled into a piece of paper. There are 50 other ingredients, particularly ones designed specifically to create the addiction associated with cigarettes.

The last thing I wish to see is a farmer in North Carolina, whose economic well-being could be adversely affected by a decision we make, be harmed. We can help them. I know we try to do that in this bill, and I will be anxious to hear from my colleague from North Carolina with the adoption of this legislation—not that I expect her to support it—what we can do to help these people. I suspect many of them, if asked the question: Would you like your children to begin smoking, would likely give the same answer. So that farmer out there would need some help, and we ought to provide it.

Our bill allows the Food and Drug Administration to take into account the impact of product changes on potential users, particularly children, and former smokers. The Burr substitute only allows the Agency to consider the narrow health impact on existing smokers. Our bipartisan bill allows the Food and Drug Administration to reduce or fully eliminate substances that may be harmful using the best available scientific evidence. The Burr substitute requires the Agency to demonstrate that a single product change is likely to result in ''measurable and substantial reductions in morbidity,'' knowing that this standard would be extraordinarily difficult to meet, given the large number of harmful substances in cigarettes.

Our bill bans candy- and fruit-flavored cigarettes. I hope my colleagues don't need me to explain why there are candy- and fruit-flavored cigarettes. That is not to convince a 55-year-old they ought to start smoking. When they decide to make cigarettes taste like candy, tell me who the audience is. If you think it is some adult, then we are living on different planets because that is designed specifically to get the kids. We know 90 percent of adults who smoke began as kids. Those are the statistics. Our bill bans candy- and fruit-flavored cigarettes. The Burr substitute only bans the use of candy and fruit names on products—leaving tobacco manufacturers to market cigarettes that taste like mocha mint or strawberry.

The Burr substitute prevents the Agency from requiring the manufacturer to make any product change that the manufacturer elects to implement by requiring changes in how tobacco is cured or might otherwise impact the tobacco leaf. This would always be used by the manufacturers to challenge the product standard. For example, a new study found that the high level of tobacco-specific nitrosamines in tobacco products has probably resulted in twice as many people dying from lung cancer. Under the Burr standard, it is highly unlikely, we are told, that the Agency would take action to address this issue because the simplest solution is to change how some tobacco is cured after it is grown. The Burr substitute allows tobacco companies to continue to deceive consumers in that regard.

The Burr substitute also bases its tar and nicotine standards on the results of a specific test that the Federal Trade Commission recently rejected because it does not provide meaningful information about the health risks of different cigarettes. In its statement discrediting the test, the Federal Trade Commission wrote:

> Our action today ensures that tobacco companies may not wrap their misleading tar and nicotine ratings in a cloak of government sponsorship. Simply put, the FTC will not be a smokescreen for the tobacco companies' shameful marketing practices.

That is from the Federal Trade Commission, hardly an ideological or partisan organization. That is their quote on discrediting the test the FTC conducted.

In addition, the National Cancer Institute has determined there is no evidence that reducing tar to a degree even greater than called for in the Burr substitute actually results in a reduction of risk of disease. The Burr substitute makes it likely that Americans will continue to be misled by nicotine and tar figures that appear to have the government stamp of approval, believing that cigarettes with lower tar numbers are safer. The National Cancer Institute is an organization that is highly credible and respected. The Burr substitute does not adequately protect consumers from misleading health claims about tobacco products, a very serious problem. The bipartisan bill sets stringent, but reasonable, scientific standards before manufacturers of cigarettes and smokeless tobacco products are allowed to claim that their products are safer or reduce the risk of disease.

The Burr substitute completely exempts smokeless tobacco products from these standards, no matter how spurious and even if those claims are likely to cause youth to take up tobacco for the first time. Supporters of this proposal argue we should allow and encourage the use of smokeless tobacco because it is less harmful than smoking. But this was refuted in 2003

by Surgeon General Richard Carmona, who was appointed by President Bush, when he addressed a congressional committee.

Let me quote the Surgeon General:

Do not fall for the myth—a very dangerous public health myth—that smokeless tobacco is preferable to smoking.

Again, this is the Surgeon General. Going back several administrations, Surgeons General, Secretaries of Health and Human Services, this is an issue that does not divide people. President Bush's Surgeon General was a fine man, Richard Carmona. I see my friend from Arizona. I believe Richard Carmona is from Arizona. I had an opportunity to meet with him and talk with him in the past, and he did a good job.

I will quote him again:

Do not fall for the myth—a very dangerous public health myth—that smokeless tobacco is preferable to smoking.

He went on to say, and I quote him further:

No matter what you may hear today or read in press reports later, I cannot conclude [as Surgeon General] that the use of any tobacco product is a safer alternative to smoking.

And the 2008 Update of the U.S. Public Health Service Clinical Practice Guidelines regarding tobacco cessation concluded:

[T]he use of smokeless tobacco products is not a safe alternative to smoking, nor is there evidence to suggest that it is effective in helping smokers quit.

Senator BURR's substitute only allows the agency to look at the health impact on individual users of tobacco products. It does not consider whether the reduced risk claim would increase overall public health harms by increasing the number of youth who begin using tobacco products or reducing the number of current users who quit. Senator BURR's and our colleague Senator HAGAN's standard would allow health claims that would increase tobacco use levels and increase the total amount of harm thus caused by tobacco use.

To prevent health claims from being used to increase the number of tobacco users, our bipartisan bill gives the Food and Drug Administration authority over how these products are marketed. Senator BURR's substitute eliminates that authority, putting our youth at greater risk. If you eliminate that authority, then, obviously, you have torn the heart out of what we are trying to achieve.

Senator BURR's substitute fails to give even the new agency it creates the authority to reduce youth access to tobacco products. Unlike our legislation, Senator BURR's substitute does not establish or fund a nationwide program to reduce illegal tobacco product sales to children. In addition, because the Burr substitute allows any retailer to fully escape responsibility for illegal sales if the employer's employees have signed a form saying they were informed that it is illegal to sell to underage youth, no matter how often the retail outlet is caught doing so, and no matter how strong the evidence that the employer looks the other way, it provides a significantly less effective approach than the one we have in the substitute, the bipartisan substitute that is before us.

The Burr substitute's minimum standards for State youth access laws are also too weak. The youth access standards in Senator BURR's substitute are riddled with loopholes that make them ineffective. For example, a retailer who never enforces the law against illegal sales to youth cannot be fined if the retailer has conducted a training program for its staff, even if it repeatedly looks the other way when illegal sales to youth are made. In addition, the vast majority of States already have laws in place that exceed the minimum standards in Senator BURR's substitute.

At any rate, these are all reasons why I urge my colleagues to reject the Burr substitute. Our bipartisan bill, as I say, has been endorsed—I have been here for some time. I have never heard of a piece of legislation being endorsed by 1,000 organizations: faith-based, State, as well as all the credible national public health or health organizations in the country. That is not reason enough, but understand we voted overwhelmingly in both Chambers, just not in the same Congress, over the last 6 or 7 years on this proposal.

Again, I want to say to my colleagues who come from tobacco-producing States, I understand the impact this kind of bill can have, and, in fact, we hope it has, with the reduction of smoking by all generations and all age groups, but particularly among children. I certainly stand ready and prepared to do what we can to help those farmers and others whose jobs and livelihoods depend on this industry, who, through no fault of their own but through their livelihoods, are engaged in this business. We want to provide that transitional help.

But we cannot stop doing what needs to be done. With 400,000 people a year dying—more deaths due to this self-inflicted disease than AIDS, murders, illegal drugs, suicides, alcohol abuse, automobile accidents—all of those combined—they do not equal the number that tobacco use causes. With 3,000 to 4,000 kids starting every day, I think my colleagues understand this cries out.

We are about to begin a health care debate. Prevention is a major issue. We are all trying to work on ideas to incentivize healthy living styles. What an irony it would be, on the eve of the emerging debate about prevention, that we had an opportunity to make a difference in doing just that, with having 900,000 adults who stopped smoking and 700,000 kids—maybe those are numbers that are not as impressive as we would like them to be—but if we can save 700,000 children's lives and 900,000 adults, to have them stop smoking and not get involved in this habit, what a difference it would make.

I have talked about deaths. There are people who live with this stuff—the emphysema. The cost—even if you are not impressed with the ethics of it, the morality of it, if the numbers is the only thing that drives you, we are spending billions of dollars every year to provide for people who are suffering from smoke-related illnesses.

So on the eve of the great health care debate, what a great way to begin that by saying, at least in this one area, we are going to do something about the children in this country. We are going to do something that is long overdue on the manufacturing and the marketing, as well as in the production of these products. We are going to say to the Food and Drug Administration: Take over here. Take a look at all of this. Provide the regulations and the guidelines. If we can do it for the produce or the foodstuffs we provide for every pet in this country, we ought to be able do it for the American children.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Arizona is recognized.

## NORTH KOREA

Mr. KYL. Mr. President, I rise today to discuss recent events in North Korea. On April 5, the North Koreans tested a long-range Taepo Dong 2 missile, which traveled nearly 2,000 miles before falling into the Pacific Ocean. This test, which the North Koreans described as an attempt to launch a satellite into orbit, represented an improvement in the range of North Korea's missiles. In 2006, the Taepo Dong 2 only traveled 1,000 miles and did not successfully reach a second stage, as the most recent missile did.

U.N. Security Council Resolution 1718 prohibits the country's use of ballistic missile technology, and the United Nations Security Council issued a statement on April 13 condemning the recent launch and calling on member states to implement existing sanctions against North Korea.

In response, North Korea abandoned the six-party talks, promising to reactivate its nuclear program and never to return to the six-party negotiating table.

Less than 2 weeks later, North Korea conducted a nuclear test. Between the Taepo Dong 2 test and the nuclear test, North Korea also launched at least five shorter range missiles. Intelligence reports also indicate another long-range test is in the offing for later this month or early July.

So far, world response to this latest illicit behavior has been one dimensional, with leaders around the globe issuing condemnations of varying strength. President Obama issued a clear condemnation of North Korea's action, stating:

North Korea's ballistic missile programs pose a great threat to the peace and security of the world and I strongly condemn their reckless action.